

# State of South Dakota

EIGHTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2011

196S0260

## HOUSE BILL NO. 1041

Introduced by: The Committee on Judiciary at the request of the Chief Justice

1 FOR AN ACT ENTITLED, An Act to revise the statutory duties of the presiding judge of each  
2 judicial circuit.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 16-2-21 be amended to read as follows:

5 16-2-21. The presiding judge in each judicial circuit, to be appointed by the Chief Justice,  
6 subject to the rules of the Supreme Court, has administrative supervision and authority over the  
7 operation of the circuit courts, the courts of limited jurisdiction, and clerks and other court  
8 personnel in the circuit. These powers and duties include, but are not limited to, the following:

- 9 (1) Arranging schedules and assigning circuit judges for sessions of circuit courts;  
10 (2) Arranging or supervising the calendaring of matters for trial or hearing;  
11 (3) Appointing clerks, deputies and other personnel within the circuit to make available  
12 their services in every county in the circuit and, subject to standards established by  
13 the Supreme Court, fixing their compensation within the limits set by § 16-2-23 with  
14 approval of the Chief Justice, and supervising the personnel in the discharge of their  
15 functions;



- 1       (4)   Assigning matters and duties to clerks, and prescribing times and places at which
- 2           clerks shall be available for the performance of their duties;
- 3       (5)   Making arrangements with proper authorities for the drawing of jury panels and
- 4           determining which sessions shall be jury sessions;
- 5       (6)   Arranging for the reporting of cases by court reporters or other authorized means;
- 6       (7)   Arranging for the orderly disposition of specialized matters, including, but not
- 7           limited to traffic, domestic relations, and proceedings under chapters 26-7A, 26-8A,
- 8           26-8B, and 26-8C;
- 9       (8)   Promulgating a schedule of offenses for which magistrates or other designated
- 10           persons may accept written appearances, waivers of trial, and pleas of guilty, and
- 11           establishing a schedule of fines and bails therefor;
- 12       (9)   Assigning to other circuit judges in the circuit various powers and duties in this
- 13           chapter provided;
- 14       (10)  Periodically reviewing the performance and application by magistrates, clerks and
- 15           deputy clerks of schedules they are to follow, and correcting, with or without the
- 16           request of the person affected, erroneous application thereof.

17       ~~To assure the availability of circuit judges in all areas of the state, the presiding judge shall~~  
18 ~~arrange, so that in each county of that circuit, there shall be available a circuit judge to hold~~  
19 ~~court in the county seat of each such county on at least two days each month if there are matters~~  
20 ~~that warrant the presence of a judge. The presiding judge shall arrange that a circuit judge is~~  
21 available to hold court in the county seat of each county in the circuit as necessary to distribute  
22 the work of the courts, alleviate congestion, and secure the prompt disposition of cases for each  
23 county.